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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. S-350

GHASSAN I. SYED
18627 Lanark Street
Reseda, California 91335

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about March 4, 2005, the Respiratory Care Board of California (Board) received an application for a Respiratory Care Practitioner License from Ghassan I. Syed (Respondent). On or about February 1, 2005, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on June 3, 2005.

JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless

1 otherwise indicated.

2 4. Section 3710 of the Code states: "The Respiratory Care Board of
3 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3,
4 the Respiratory Care Practice Act]."

5 5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and
6 revoke licenses to practice respiratory care as provided in this chapter."

7 6. Section 3732, subdivision (b) of the Code states:

8 "The board may deny an application, or may order the issuance of a license
9 with terms and conditions, for any of the causes specified in this chapter for
10 suspension or revocation of a license, including, but not limited to, those causes
11 specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761."

12 7. Section 3750 of the Code states:

13 "The board may order the denial, suspension or revocation of, or the
14 imposition of probationary conditions upon, a license issued under this chapter, for
15 any of the following causes:

16 " . . .

17 "(d) Conviction of a crime that substantially relates to the qualifications,
18 functions, or duties of a respiratory care practitioner. The record of conviction or a
19 certified copy thereof shall be conclusive evidence of the conviction.

20 " . . .

21 "(j) The commission of any fraudulent, dishonest, or corrupt act which is
22 substantially related to the qualifications, functions, or duties of a respiratory care
23 practitioner. . . ."

24 8. Section 3752 of the Code states:

25 "A plea or verdict of guilty or a conviction following a plea of nolo
26 contendere made to a charge of any offense which substantially relates to the
27 qualifications, functions, or duties of a respiratory care practitioner is deemed to be a
28 conviction within the meaning of this article. The board shall order the license

1 suspended or revoked, or may decline to issue a license, when the time for appeal
2 has elapsed, or the judgment of conviction has been affirmed on appeal or when an
3 order granting probation is made suspending the imposition of sentence, irrespective
4 of a subsequent order under Section 1203.4 of the Penal Code allowing the person
5 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
6 the verdict of guilty, or dismissing the accusation, information, or indictment.”

7 9. Section 3752.6 of the Code states:

8 “For purposes of Division 1.5 (commencing with Section 475), and this
9 chapter [the Respiratory Care Practice Act], a crime involving sexual misconduct or
10 attempted sexual misconduct, whether or not with a patient, shall be considered a
11 crime substantially related to the qualifications, functions, or duties of a respiratory
12 care practitioner.”

13 10. California Code of Regulations, Title 16, section 1399.370, states:

14 “For the purposes of denial, suspension, or revocation of a license, a crime or
15 act shall be considered to be substantially related to the qualifications, functions or
16 duties of a respiratory care practitioner, if it evidences present or potential unfitness
17 of a licensee to perform the functions authorized by his or her license or in a manner
18 inconsistent with the public health, safety, or welfare. Such crimes or acts shall
19 include but not be limited to those involving the following:

20 “ . . .

21 “(b) Conviction of a crime involving fiscal dishonesty, theft, or larceny.

22 “ . . .

23 “(e) Conviction of a crime involving lewd conduct, prostitution or
24 solicitation thereof, or pandering and/or indecent exposure, as defined by the Penal
25 Code.”

1 COST RECOVERY

2 11. Section 3753.5, subdivision (a) of the Code states:

3 "In any order issued in resolution of a disciplinary proceeding before the
4 board, the board or the administrative law judge may direct any practitioner or applicant
5 found to have committed a violation or violations of law to pay to the board a sum not to
6 exceed the costs of the investigation and prosecution of the case."

7 12. Section 3753.7 of the Code states:

8 "For purposes of the Respiratory Care Practice Act, costs of prosecution
9 shall include attorney general or other prosecuting attorney fees, expert witness fees, and
10 other administrative, filing, and service fees."

11 13. Section 3753.1, subdivision (a) of the Code states:

12 "An administrative disciplinary decision imposing terms of probation may
13 include, among other things, a requirement that the licensee-probationer pay the monetary
14 costs associated with monitoring the probation."

15 FIRST CAUSE FOR DENIAL OF APPLICATION

16 (Conviction of a Crime)

17 14. Respondent's application is subject to denial under Code sections
18 3750, subdivision (d), 3752, 3752.6 and California Code of Regulations, Title 16, section
19 1399.370, subdivisions (b) and (e), in conjunction with section 3732, subdivision (b), in that
20 respondent was convicted of crimes substantially related to the qualifications, functions and
21 duties of a respiratory care practitioner. The circumstances are as follows:

22 June 13, 2003, Conviction

23 A. On June 13, 2003, in a criminal proceeding entitled *People v.*
24 *Ghassan Isthiaque Syed*, in Superior Court, Los Angeles County, Case No.
25 3PN02772, respondent was convicted upon his plea of nolo contendere to the crime
26 of disorderly conduct: prostitution, a misdemeanor, a violation of Penal Code
27 section 647(b). He was placed on probation for two years, ordered to serve one day
28 in county jail, pay fees of \$173.00, perform ten days of Cal Trans and complete an

1 aids education class.

2 B. The facts and circumstances surrounding this offense are as follows:

3 On May 16, 2003, Los Angeles police officers in the Vice Unit were
4 conducting an undercover operation at Victoria's Health Therapy and Chiropractic
5 Center regarding prostitution complaints. Respondent was video and audio taped
6 paying \$50.00 to an undercover officer to solicit sexual activity. He was arrested
7 and charged with solicitation to engage in prostitution.

8 June 5, 2002, Conviction

9 C. On June 5, 2002, in a criminal proceeding entitled *People v.*
10 *Ghassan Isthiaque Syed*, in Superior Court, Los Angeles County, Case No.
11 2SF02247, respondent was convicted upon his plea of nolo contendere to the crime
12 of theft of property, a misdemeanor, a violation of Penal Code section 484(a). He
13 was placed on probation for three years, and was ordered to serve thirty days in
14 county jail or perform fifteen days of Cal Trans.

15 D. The facts and circumstances surrounding this offense are as follows:

16 On May 10, 2002, Los Angeles police officers responded to a report
17 of a theft at a Macy's store. The loss prevention manager told the officers he
18 observed respondent walk into the men's department, select eight to ten pieces of
19 clothing valued at about \$500.00, and then leave the store without paying for the
20 merchandise. Respondent entered the passenger seat of a waiting vehicle which
21 was driven away. The officers drove to the address of the vehicle's owner and
22 stopped the vehicle. Respondent admitted to the officers that he entered Macy's,
23 selected clothing, and ran out of the store and into the vehicle. Respondent was
24 arrested and charged with grand theft.

25 SECOND CAUSE FOR DENIAL OF APPLICATION

26 (Commission of a Fraudulent, Dishonest, or Corrupt Act)

27 15. Respondent's application is subject to denial under sections 3750,
28 subdivision (j), in conjunction with section 3732, subdivision (b), in that he committed a

1 fraudulent, dishonest or corrupt act that is substantially related to the qualifications,
2 functions, or duties of a respiratory care practitioner. The facts and circumstances, set forth
3 in Paragraph 14, subparagraphs C and D of this Statement of Issues, are incorporated herein
4 by reference.

5 On his application for licensure as a respiratory care practitioner that
6 he signed under penalty of perjury on February 1, 2005, respondent failed to disclose his
7 convictions.

8
9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters
11 herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

12 16. Denying the application of Ghassan I. Syed for a Respiratory Care
13 Practitioner;

14 17. Directing Ghassan I. Syed to pay the Respiratory Care Board of
15 California the costs of the investigation and enforcement of this case, and if placed on
16 probation, the costs of probation monitoring;

17 18. Taking such other and further action as deemed necessary and
18 proper.

19 DATED: August 4, 2005

20
21 Original signed by Liane Zimmerman for: _____
22 STEPHANIE NUNEZ
23 Executive Officer
24 Respiratory Care Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant
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